



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**November 22, 2004**

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**SUBJECT:**           **2004-0611 – Nick Goyal** [Applicant] **Chevron USA, Inc.**  
[Owner]: Application for a 29,982 square-foot site. The  
property is located at **296 North Fair Oaks Avenue** in an M-  
S (Industrial and Service) Zoning District. (APN: 205-31-006)  
(Mitigated Negative Declaration)

Motion                   Use Permit to allow construction of a car wash facility and a  
small retail store at an existing gas station.

**REPORT IN BRIEF**

**Existing Site**           Gas Station  
**Conditions**

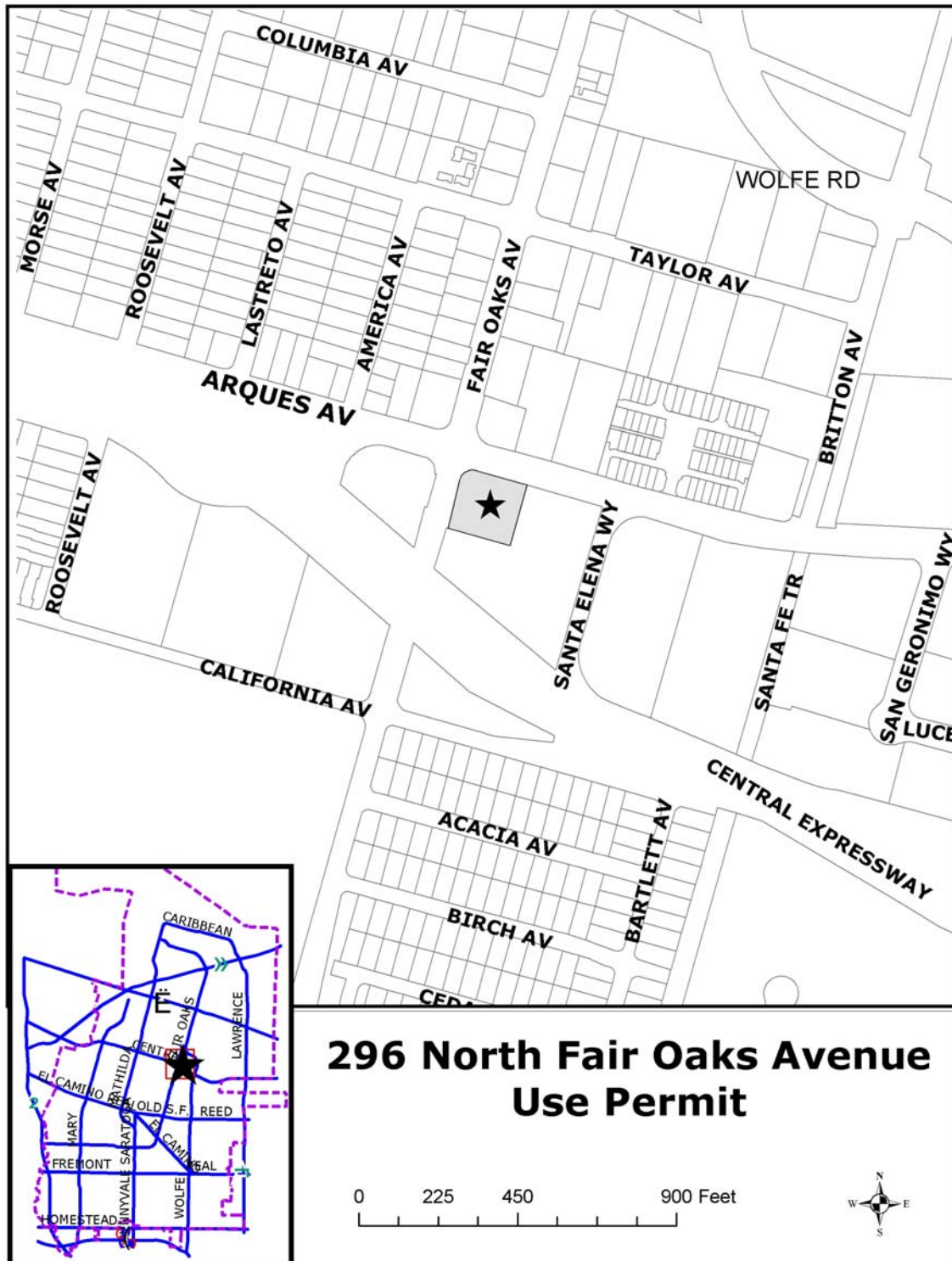
**Surrounding Land Uses**

North	Restaurant across East Arques Avenue
South	Self Storage Business
East	Self Storage Business
West	Auto Repair

**Issues**                   Compatibility with surrounding area

**Environmental**       A Mitigated Negative Declaration has been prepared  
**Status**               in compliance with California Environmental Quality  
Act provisions and City Guidelines.

**Staff**                   Approve with Conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial	Same	Same
<b>Zoning District</b>	M-S	Same	Same
<b>Lot Size (s.f.)</b>	29,932	Same	22,500 min.
<b>Gross Floor Area (incl. Fuel Canopy)</b>	3,961 s.f.	1,021 s.f. car wash + 810 s.f. gas station building + 3,471 fuel canopy = 5,302 s.f.	10,476 max.
<b>Lot Coverage (%)</b>	13%	18%	40% max.
<b>Floor Area Ratio (FAR)</b>	13%	18%	35% max.
<b>No. of Buildings On-Site</b>	3	2	By Use Permit
<b>Distance Between Buildings</b>	40'	32' 4"	20' min.
<b>Building Height (ft.)</b>	Approx. 18'	18' 3"	75' max.
<b>No. of Stories</b>	1	1	8 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	57' 7"	Same	35' min.
• <b>Left Side</b>	48' 6"	29' 8"	25' min.
• <b>Right Side</b>	24' 5"	49'	0' min.
• <b>Rear</b>	5' 6"	2' 2"	0' min.
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	5,543	6,439	5,986 min.
• <b>Frontage Width (ft.)</b>	15' 6"	20' 8"	15 ft. min.
• <b>Water Conserving Plants (%)</b>	N/A	70%	70% min.

<b>Parking</b>			
• <b>Total No. of Spaces</b>	15	30	30 min.
• <b>No. of Standards</b>	14	27 (17 standard + 10 under canopy)	25 min.
• <b>No. of Compacts / % of total</b>	0	2	3 max.
• <b>No. of Accessible</b>	1	1	2 min.
• <b>Bicycle Parking</b>	0	1 Class II	1 Class II Min.
<b>Stormwater</b>			
• <b>Impervious Surface Area (s.f.)</b>	24,389	21,694	N/A
• <b>Impervious Surface (%)</b>	81%	72.5%	N/A

## **ANALYSIS**

### **Description of Proposed Project**

The proposal includes the demolition of the existing cashier building and restroom facility and construction of a new car wash and retail/gift shop at an existing gas station. The fuel canopy areas and existing underground gas tanks will not be disturbed. The expansion of the existing gas station and the addition of the car wash require a Use Permit.

The gas station building uses will include retail sales of gasoline, car wash services, incidental vehicular accessories, a gift shop, and sale of prepackaged soft drinks, cigarettes, and snack foods from automatic vending machines as allowed and restricted by Municipal Code.

### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1991-0405	Use Permit for a Carwash Addition (previous permit had expired)	Planning Commission / Approved	4/8/91
1989-0587	Use Permit for a Carwash Addition	Planning Commission / Approved	12/11/89

Similar proposals for a car wash facility at this site were approved in 1989 and 1991. A building permit for the car wash use was not attained prior to the expiration of the Use Permit. Building permits indicate that a gas/service station has been located at this site since the mid 1960s; however the current layout of buildings on the site was constructed in 1986.

### **Environmental Review**

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures. (See Attachment 3, Initial Study)

The Sunnyvale Municipal Code, Section 19.42.030(a) states:

*Operational noise shall not exceed 75 dBA at any point on the property line of the premises upon which the noise or sound is generated or produced; provided, however, that the noise or sound level shall not exceed 50 dBA during nighttime or 60 dBA during daytime hours at any point on adjacent residentially zoned property.*

The Municipal Code defines daytime as the period from 7am to 10pm daily, and nighttime as the period between 10pm and 7am daily. The guidelines for noise indicated in the Noise Sub-Element of the General Plan for the City of Sunnyvale are identical to the limits specified in the Municipal Code.

A noise study was conducted by Colia Acoustical Consultants to determine possible noise impacts to industrial to residential (ITR) zoned properties located north of the site across East Arques Avenue. Currently, these sites are not developed with residential uses, but have the potential to convert to this use in the future. The study was conducted on October 4, 2004. The acoustical analysis determined that with mitigation, noise levels will not exceed permitted levels during daytime hours. The recommended measures include the operation of the car wash to be limited during daytime hours of 7am to 10pm and that a "Thrust-Pro" dryer with a Noise Reduction Package (NRP) be utilized. These mitigation measures are included as Conditions of Approval #19 and #20.

**Use Permit**

**Use:** The proposed use for the site is the addition of a carwash facility and gift shop associated with the existing gas station. The existing cashier building and restroom facility would be demolished while the canopies would remain. As noted in the "Background" section of this report, the proposed car wash use has been approved twice before by the Planning Commission. These permits expired prior to approval of building permits.

The use would continue to function as a gas station with no auto repair or service component. The gas station building use would include retail sales of gasoline, car wash services, incidental vehicular accessories, and prepackaged soft drinks, cigarettes, and snack foods from automatic vending machines. The Municipal Code prohibits food sales or beverage sales in the form of products stored on shelves or in refrigerated cases at automobile service stations. Alcoholic beverages would not be for sale at this site. Sales would also include car accessories such as floor mats, air fresheners, oil and filters, upholstery accessories, mirrors, dash accessories, greeting cards, newspapers, magazines and small gift items.

The proposed gift shop would be open 24 hours a day as the current gas station operates. There would be approximately 2 employees on-site for each of the three separate shifts during the day.

*Self-Service Automated Drive-Thru Car Wash Use*

The proposed car wash is 1,021 square feet and would be located behind the proposed gift shop building, adjacent to the self storage use to the north of the site. The car wash would be a self-service automated drive-thru system. Approximately 70% of the water used in the car wash would be reclaimed water.

As recommended by the noise study and included within the recommended mitigation measures, the car wash would be open every day from 7:00 a.m. to 10:00 p.m. (Condition of Approval #19)

**Site Layout:** The subject site is at the southeast corner of Fair Oaks Avenue and Arques Avenue. The site is currently utilized as a gas station. The proposed building size would total 810 square feet and be located towards the northeast portion of the site. The proposed structure would meet the required setbacks and lot coverage for the M-S Zoning District.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<p><i>Setting A1.</i>  <i>New projects shall be compatible with their surrounding development in intensity, setbacks, building forms, material, color and landscaping</i></p>	<p>The proposed project is compatible with surrounding development with regards to front and rear yard setbacks, total landscaping area and building form.</p>
<p><i>Site Organization B3.</i>  <i>Siting of noise and odor generating functions on a site shall not create a nuisance for adjacent properties.</i></p>	<p>Noise generated from the proposed car wash would be mitigated through the conditions of approval to ensure that the noise limit at the property line to the south and east and at the residential properties across Arques Avenue to the north complies with the Sunnyvale Municipal Code requirements.</p>
<p><i>B10. Provide convenient and safe pedestrian and automobile access to the site from adjacent streets.</i></p>	<p>Existing driveways provide convenient and safe automobile access to the site from Fair Oaks Avenue and Arques Avenue. Existing public sidewalks surround the site and a proposed concrete walkway provides pedestrian access from the adjacent street to the site.</p>

**Architecture:** The proposed building will utilize stucco material and a stone veneer base for design. The roof material will be composed of concrete roof tile material. The building will be painted an off white color with portions painted tan as noted on the “Elevations” in Attachment #4. The maximum height of the building at the peak of the roof will be 18 feet and 3 inches.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>C5. Buildings shall have three distinct components: base, middle and top. Define each component by horizontal and vertical articulation.</i>	The proposed building and fuel canopy have three distinct components through the use of brick horizontal wainscoting at the base, brick treatment on the vertical columns at the middle and at the top a hipped concrete tile roof.
<i>Material and Color F1. Develop a comprehensive material and color scheme for each project to tie in the various parts of the project. Choose variety of colors and materials to add interest to buildings.</i>	The proposed material and color scheme will add interest to the building by providing complementary colors within the stucco, and stone veneer base as well as concrete tile roof. An additional contrasting red color will highlight portions of the building.

**Landscaping:** The site proposes additional landscaping at various locations around the perimeter of the site. The existing landscaping on site does not meet the current standard of 20% of the site (5,986 s.f.) required by Sunnyvale Municipal Code. The proposal would upgrade the site to meet this requirement with a total of 6,439 square feet. A preliminary site plan indicates twelve Plum trees which are predominantly planted within the interior of the site. Four street trees are also proposed along the perimeter of the site. A final landscaping plan will be subject to review and approval by the Director of Community Development as required by Condition of Approval #14. (See Site plan Attachment D for more detail.)

#### *Parking Lot Lighting and Fuel Canopy Lighting*

Parking lot lighting and exterior architectural lighting will be reviewed at the time of building permit submittal by staff to ensure that proper lighting levels are met and that light is shielded from adjacent uses and properties. Staff is recommending Condition of Approval #15a requiring fuel canopy lighting to be recessed into the canopy architecture.

The following Guidelines were considered in analysis of the project landscaping.



<b>Design Policy or Guideline (Landscape)</b>	<b>Comments</b>
<i>A2. Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.</i>	The proposed landscape plan adds a total of 16 new trees including 4 street trees to the site while preserving and protecting 8 existing trees on site.
<i>Peripheral B1. Provide a minimum of a 15 ft. wide landscape strip along the public street side of all developments.</i>	The proposed plan meets the landscape 15 foot frontage width along Fair Oaks Avenue and Arques Avenue.

**Parking/Circulation:** To accommodate the additional car wash facility and retail use, additional parking will be provided on site. The gift shop and car wash facility is required to maintain 1 space per 180 square feet of floor area; therefore, the site requires 30 spaces. Parking is provided at various locations throughout the site. The canopy area and car wash facility, which are included as covered area of the site, also provide parking for patrons of the site (10 under the canopy and 5 in the car wash queue). Additionally, the site is required to maintain two handicap accessible spaces. Currently, only one space is noted on the site plan. Per Condition of Approval #17, two handicap accessible spaces will be provided.

Staff recommends Condition of Approval #16 requiring one Class II (rack for a minimum 4 bicycles) space provided on site per VTA standards. As noted on the site plan, the project proposes a bike rack located in front of the gas station building.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>Design Policy or Guideline (Parking/Circulation)</b>	<b>Comments</b>
<i>A4. Design internal driveways for safety and convenience.</i>	Internal driveway dimensions on the site have been designed for safety and convenience.

**Stormwater Management:** This site does not require a stormwater management plan as the site is creating less than 1 acre of impervious surface. The proposed car wash and gas station are subject to all Automotive Best Management Practices per Condition of Approval #28.

### **Transportation Impact Fee**

The project is subject to a Transportation Impact Fee as specified by Condition of Approval #33. This fee is subject to change July 1, 2005.

### **Compliance with Development Standards**

The proposed project complies with current development standards provided that the car wash includes the recommended noise mitigation measures.

### **Expected Impact on the Surroundings**

The site will not have a negative visual impact from the street and surrounding properties. Staff finds the architectural style is suitable for the neighborhood. The Traffic Division has indicated that there are no significant traffic impacts expected with this project. Possible noise impacts anticipated with this project have been mitigated through conditions of approval. With the suggested Conditions of Approval, the proposed project will be beneficial to the surrounding neighborhood.

### **Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 47 notices mailed to the property owners and tenants within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Recommend Alternative 1.

Prepared by:

Ryan M. Kuchenig  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Site Photos

**Recommended Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

**Land Use and Transportation Element**

**Policy C4.1** *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

The proposed addition of a car wash facility and gift store to an existing gas station helps maintain a diversity of commercial enterprises to the local which lacks a nearby similar use; therefore bolstering the local economy.

**Policy N1.10.1** *Locate commercial uses where traffic can be accommodated, especially during peak periods (e.g., lunch time and commute times).*

The proposed commercial use would be located at the corner of Fair Oaks Avenue and Arques Avenue, a significant corner within the City of Sunnyvale, accommodating traffic during peak periods. The site is also located in close proximity to the Central Expressway.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

**Community Design Sub-Element**

**Goal 2.5** *Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.*

The proposed building architecture and site improvements are compatible with surrounding properties and are well designed.

**Policy 2.5C.1** *Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*

The proposed project architecture and site design is of high quality and will enhance the commercial viability of the surrounding area while assisting the economic development within the city.

### **Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

#### **GENERAL**

1. Execute a Use Permit document prior to issuance of a building permit.
2. If not exercised, this Use Permit shall expire two years after the date of approval by the final review authority.
3. Reproduce the conditions of approval on the cover sheet of plans submitted for building permits.
4. This Use Permit is valid only in accordance with the approved plans and approved gas station, car wash, and gift shop use. The sales of groceries, food market products sold on shelves or in refrigerated cases are prohibited. Prepackaged food and beverage products offered by vending machines are allowed.
5. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Out door storage of goods is not allowed. All storage shall take place within designated enclosed storage areas.
7. The general property shall remain clean and free of debris and garbage.
8. The building façade shall be maintained in good condition.
9. Obtain a separate sign permit for any proposed signs associated with this business.
10. Existing unfinished monument sign base materials shall be the brick material on the building. Submit monument sign details and materials for review and approval by the Director of Community Development prior to issuance of a Building Permit.
11. No vehicles or trash bins shall be placed within the two driveway accesses of site at any time.

## **BUILDING DESIGN**

12. All exterior architectural details that are included in the plans reviewed by the Planning Commission shall be included in the final building plans.
13. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.

## **LANDSCAPING AND SITE PLANS**

14. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
  - a. A minimum of 5 fast growing 24-inch box medium sized trees shall be planted on site to mitigate the removal of existing trees; in addition to other required trees.
  - b. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
  - c. All areas not required for parking, driveways or structures shall be landscaped.
  - d. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
  - e. Vines shall be planted along perimeter fencing at the east and south sides of the site
15. Submit details and specifications of all exterior lighting to be used on site for review and approval by the Director of Community Development.
  - a. Fuel canopy lighting shall be recessed into canopy architecture.



## **PARKING**

16. One Class II bicycle rack shall be provided on site. The location of the racks shall be approved by the Director of Community Development prior to issuance of a building permit.
17. The site shall provide two handicap accessible spaces.

## **SOLID WASTE & RECYCLING**

18. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.

## **MITIGATION MEASURES**

In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

### 19. Car Wash Hours of Operation

*What and where:* Hours of operation for the car wash shall be Monday through Friday 7:00 a.m. to 9:00 p.m. and Weekends and Holidays: 10:00 a.m. to 9:00 p.m.

*When:* During hour of operation for carwash.

*Who:* The City will require this as a condition of approval for the Use Permit and will verify through Code Enforcement.

### 20. Manufacture of Blower Equipment

*What and where:* The Thrust Pro dryer with a Noise Reduction Package is required.

*How:* Indicate the location and manufacture type of blower equipment on the building permits plans. Provide manufacture cut-sheets detailing how the equipment complies with these requirements.

*When:* Prior to issuance of building permit and at final inspection.

*Who:* The City will require this to be indicated on the building permit plans prior to issuance and will verify installation.

## **PUBLIC WORKS**

21. Provide a topography map indicating all existing features/ water/ sewer, drainage main lines in the street, water meter, driveways, sidewalk, PG&E, telephone and cable lines, sewer lateral and water lines entering the lot, etc.
22. Clearly identify utility services for each building.
23. Provide civil plans to Public Works Department/Engineering, for review and approval.
24. Underground all existing overhead lines, electrical, telephone and cable TV.

## **WATER POLLUTION PREVENTION**

25. Discharge from carwash to sanitary sewer must meet City's affluent limits for wastewater per Sunnyvale Municipal Code 12.12.120.
26. Detailed car wash specifications on the recycled water system must be submitted for review and approval by the Director of Public Works. If the car wash system is not a recycled water system an oil water separator must be submitted for review and approval by the Director of Public Works.
27. Runoff from carwash shall not enter any storm drains on-site.
28. Car wash and gas station will be subject to all Automotive Best Management Practices.
29. Surface runoff pollution control measures shall be provided for parking areas, driveways, roofs and other impervious areas. This may include but not be limited to:
  - b. Direct rainwater from impervious surfaces to landscape areas or infiltration devices.
  - c. Reduce impervious areas with pervious areas.
  - d. Engineer structural treatment controls or landscape controls.
  - e. Regular scheduled pavement sweeping and catch basin cleaning.
30. Stencil all on-site catch basins with NPS "No Dumping" message.
31. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.

32. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

**TRANSPORTATION IMPACT FEE**

33. The project is subject to a Transportation Impact Fee as required by Sunnyvale Municipal Code Section 3.50.050.